

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF PUERTO RICO

WILLARD P. HALEY, et al.,

Plaintiffs,

v.

NILO TRANSPORTATION, et al.,

Defendants.

Civil No. 07-1687 (ADC)

ORDER

Plaintiffs, Willard Haley ("Haley"), his wife Shirley Haley, and their Conjugal Partnership ("plaintiffs"), bring suit against defendants, Nilo Transportation and others (collectively "Nilo") alleging that Haley suffered injuries as a result of the negligent and reckless operation of a vehicle, driven by a Nilo agent, in which Haley was a passenger. **Docket No. 2.** Plaintiffs moved for partial summary judgment as to liability. **Docket No. 14.** Nilo opposed the same. Plaintiffs' motion for summary judgment, and all related motions, were referred to Magistrate-Judge Bruce J. McGiverin (the "Magistrate-Judge") for a Report and Recommendation ("R & R") on January 16, 2009. **Docket No. 22.** On June 11, 2009, the Magistrate-Judge issued an R & R which recommended denying the motion for summary judgment. **Docket No. 41.** Objections to the R & R were due by June 26, 2009, but none were filed. In fact, plaintiffs have conceded that they will not file objections and have requested the setting of a trial date. **Docket No. 42.**

I. Standard of Review for Objections to A Report and Recommendation

A district court may refer pending motions to a magistrate-judge for a report and recommendation. 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b); L. Civ. R. 72(a). Any party adversely affected by the recommendation issued may file written objections within ten (10) days of being served with the report and recommendation. 28 U.S.C. § 636(b)(1). However, "[a]bsent objection by the plaintiffs, [a] district court ha[s] a right to assume that [a party]

agree[s] to the magistrate's recommendation." *Templeman v. Chris Craft Corp.*, 770 F.2d 245, 247 (1st Cir. 1985), *cert. denied*, 474 U.S. 1021 (1985). Accordingly, absent a proper objection, the court need only satisfy itself that there is no plain error in order to accept an unopposed Report and Recommendation. *Pellot-Bermudez v. U.S.*, Civ. No. 04-1702 (DRD), 2006 WL 3007480, *2 (D.P.R. Sept. 22, 2006).

II. Discussion/Conclusion

Upon review of the R & R, the court finds no reason to depart from the Magistrate-Judge's recommendations. Accordingly, the court **ADOPTS** the R & R in full (**Docket No. 41**), thereby denying plaintiffs' motion for summary judgment (**Docket No. 14**).

SO ORDERED

At San Juan, Puerto Rico, on this 9th day of July, 2009

S/AIDA M. DELGADO-COLÓN
United States District Judge